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Forbes: EPA's Insanely Ambitious Agenda If Obama Is Reelected

By Larry Bell

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If you think the Obama administration's Enterprise Prevention Agenda has been wildly aggressive during the past four years, believe me, we really ain't seen nothin' yet. A new report released by the U.S. Senate Committee on Environment and Public Works Minority Committee enumerates a slew of planned EPA regulations that have been delayed or punted on until after the election that will destroy millions of American jobs and cause energy prices to skyrocket even more.

Titled "A Look Ahead to EPA Regulations for 2013: Numerous Obama EPA Rules Placed on Hold Until After the Election Spell Doom For Jobs and Economic Growth", it lists and describes new rules concocted over the past year ranging from additional restrictions on greenhouse gas emissions, tougher water guidelines and tightening of the ozone standard. Taken together, they will further drive up pump prices, impose construction bans on local communities, and cripple oil, natural gas and coal production.

As the Washington Post notes, the report puts a spotlight back on the Obama EPA which has earned a "reputation for Abuse", serving as a stark reminder that "President Obama has presided over a green team administration that works every day to "crucify" oil and gas companies and make sure that "...if you want to build a coal plant you got a big problem."

Ranking EPW Minority Committee member Senator James Inhofe (R-Okla.), observed that the reason why implementation of rule after rule has been delayed is because "...they don't want all those pink slips and price spikes to hit until after the election. But President Obama's former climate czar Carol Browner was very clear about what's in store for next year: she told several green groups not to worry because "President Obama has a big green 'to-do' list for 2013 so they'll get what they want."

And what is that list of green goodies? Let's take a look.

Greenhouse Gas Regulations:

Premised upon farcically flawed climate alarm conclusions pitched by the UN's Intergovernmental Panel on Climate Change which were even disavowed by EPA's own internal review of the matter, the agency is

proposing the first source-specific emissions standards for new power plants which are so strict they will virtually eliminate coal as a fuel option for future electric power generation. While EPA has punted on standards for existing power plants as well as refineries — standards which will further drive up electricity and gasoline prices, once these regulations are in place, we can expect the agency to proceed under auspices of its Clean Air Act (CAA) to issue regulations, industry by industry, until virtually every aspect of the American economy is constrained by strict bureaucratic permitting requirements. These rules are projected to cost more than \$300 to \$400 billion a year, and will significantly raise the price of gas at the pump and energy in the home. According to the EPW report, this ominous precedent can apply to small private entities as well, including churches, schools, restaurants, hospitals and farms. If this seems absurd, consider that under proposed federal permitting requirements, a farm whose aggregate emissions exceed CAA permitting thresholds would be required to comply with costly permitting mandates and pay an annual fee for each ton of greenhouse gas emitted on an annual basis. Known as the “cow tax”, there would be a cost-per-animal outcome. EPA itself estimates that in its best case scenario, there will be over 37,000 farms and ranches subject to greenhouse gas permits... at an average cost of \$23,000 per permit annually... affecting over 90% of the livestock production in the United States.

#### Ozone Rule:

As reported in the New York Times last year, President Obama admitted that the “regulatory burdens and regulatory uncertainty” of tightening the ozone standard would harm jobs and the economy ... but he still pointed to the fact that it will be reconsidered in 2013. EPA itself estimated that this would cost \$90 billion a year, while other studies have projected that the rule could cost upwards of a trillion dollars and destroy 7.4 million jobs.

By EPA's own projections, it could put 650 additional counties into the category of “non-attainment,” which is the equivalent of posting a “closed for business” sign on communities. Affected counties will suffer from severe EPA-imposed restrictions on job creation and business expansion, including large numbers of plant closures.

The Times concluded: “The full retreat on the smog standard was the first and most important environmental decision of the presidential campaign season that is now fully underway. An examination of that decision, based on interviews with lobbyists on both sides, former officials and policy makers at the upper reaches of the White House and the E.P.A., illustrates the new calculus on political and policy shifts as the White House sharpens its focus on the president's re-election.”

#### Hydraulic Fracturing:

Under the Obama administration the EPA is but one of fourteen different federal agencies that are working to find ways to regulate hydraulic fracturing in order to limit and eventually stop the practice altogether. Others include the Department of Energy (DOE), the Bureau of Land Management (BLM), the Center for Disease Control (CDC), the Department of Agriculture (USDA), and even the Securities and Exchange Commission (SEC). The BLM, under Secretary Salazar's control, will be finalizing new regulations sometime after the election.

The EPW report warns that the Obama Administration's anti-hydraulic fracturing agenda doesn't stop there. In the months following the election, we can expect the EPA alone to: issue guidance for the usage of diesel fuels during hydraulic fracturing, which will strip states of the primacy granted to them through the Safe Drinking Water Act; complete a study ... highly criticized and unsupported by multiple state and federal agencies ... desperately attempting to link hydraulic fracturing to water contamination in Pavillion, WY; answer countless petitions filed by radical environmental organizations potentially leading to the back-door regulation of hydraulic fracturing through the Toxic Substances Control Act, Resource Conservation and Recovery Act, and Clean Air Act; and potentially introduce Effluent Limitations Guidelines for both shale gas extraction and coal-bed methane.

#### Water Guidance:

EPA's proposed new guidance document for waters covered by the Clean Water Act (CWA), proposed in April 2011, reinterprets recent Supreme Court decisions to allow EPA to expand federal control over virtually every body of water in the United States, no matter how small. EPA's own analysis of the document estimated that up to 17% of current non-jurisdictional determinations would be considered jurisdictional using the new guidance.

Further, the guidance applies to the entire CWA, which will result in additional regulatory responsibilities for states. This dramatic expansion has received tremendous push-back from the regulated community, states, and municipalities who do not want to have extensive new federal authorities and the costs associated with additional CWA compliance pushed through in guidance. As Inside EPA reported in the spring of 2012, the guidance looks to be delayed until after the election. This guidance, much like greenhouse gas regulations, failed to pass as legislation when Democrats enjoyed overwhelming majorities in the House and the Senate.

#### Storm-water Regulations:

In 2009, EPA announced, as part of the Chesapeake Bay Settlement Agreement, that the agency would propose new nationwide storm-water rules by September 2010, with final action by November 2012. EPA's advanced notice of proposed rule-making plans to: expand the universe of federally regulated storm-water; establish a first-time standard for post-construction storm-water runoff; require first-time retrofit requirements on storm-water systems ... which could include mandates on cities to change existing buildings, storm-water sewers, and streets; and mandate the use of “green infrastructure” techniques (like “green roofs,” rain gardens, permeable pavement) to replace conventional storm-water management practices.

All this will put enormous cost burdens on states and municipalities and on anyone who owns or wants to develop property. If the final rule does everything EPA has proposed, it could be the most expensive rule in EPA history. According to EPA's website, the proposal has been punted until June 2013, and the final rule is due in December 2014.

### Tier III Gas Regulations:

EPA is preparing to propose a rule-making called Tier III, which reduces the content of sulfur in gasoline from 30 ppm to 10 ppm. The cost of this rule could be up to \$10 billion initially and \$2.4 billion annually, and it could add up to 9 cents per gallon in manufacturing costs. These costs would inevitably be passed on to consumers at the pump. Many, including those on the far left, believe that political motives have caused President Obama to delay this rule until after the election.

### Boiler NACT Rule:

EPA's Boiler MACT (Maximum Achievable Control Technology) standards are so strict that not even the best-performing sources can meet them, so many companies will have no choice but to shut their doors and ship manufacturing jobs overseas. The rule has been projected to reduce U.S. GDP by as much as 1.2 billion dollars and destroy nearly 800,000 jobs.

Because of bipartisan Congressional opposition to the standards, the agency is now reconsidering certain aspects of the rule. In what can only be seen as another politically- calculated move, the new rule is now being held by the White House, presumably until after the election. Not only is this creating uncertainty among the regulated community, it is also fueling speculation that very few changes have been made to the rule, and that the White House would prefer that it not be made public until after the election.

### Cement MACT Rule:

EPA's Cement MACT rule could cause 18 plants to shut down, throwing up to 80,000 people out of work. As more and more cement has to be imported from China, concrete costs for the construction of roads, bridges, and buildings that use cement could increase 22% to 36%. As with Boiler MACT, due to Congressional opposition, EPA is now reconsidering certain aspects of the rule, which will not be seen until after the election.

### 316(b) Cooling Towers Rule:

EPA is planning to require the use of strict protections for fish in cooling reservoirs for power plants under the CWA. EPA's own estimates put the draft rule costs between \$384 million and \$460 million per year, with benefits of just \$17 million – a cost benefit gap of more than 22 to 1.

As the Washington Guardian noted about the delay, "In its latest election-year delay of regulations, the Obama administration said Tuesday it will defer until next year acting on a Clean Water Act rule that could require expensive new construction at power plants to lower fish deaths. The postponement by the Environmental Protection Agency was not unexpected, with the agency having only recently completed a public comment period on its latest data. Still, the move to add another 11 months to the rule-making marks the latest step by the administration to delay potentially controversial environmental rules until after the November election."

### Coal Ash Rule:

EPA's proposed coal ash rule could cost \$79 to \$110 billion over 20 years, destroying 183,900 to 316,000 jobs; this will have disastrous impacts in states like Pennsylvania, West Virginia, Ohio and Missouri. As the Charleston Gazette reported, "Despite initial tough talk on the issue, [EPA administrator Lisa] Jackson issued a regulatory proposal that did not settle on a particular strategy."

Politico also noted, "EPA is sitting on proposed regulations to declare coal ash to be a hazardous substance...Administrator Lisa Jackson has said the agency will issue a final coal ash rule by the end of the year, but environmentalists and coal ash recyclers aren't convinced."

### Farm Dust Regulations:

EPA has been regulating farm dust for decades and may tighten the standards as part its review of the National Ambient Air Quality Standards (NAAQS) for coarse particulate matter (PM10). Tightening the PM10 NAAQS would have widespread implications for rural America, as it could be below the amount of dust created during normal farming operations, and therefore be impossible to meet.

If the standard is tightened, the only option for farmers to comply will be to curb every-day farm activities, which could mean cutting down on numbers of livestock or the tilling of fields, or they may have to shrink or even end their businesses altogether.

### Spill Prevention Control and Countermeasure (SPCC) Rule:

EPA's Spill Prevention Control and Countermeasure (SPCC) Rule would require farmers and ranchers to develop and implement costly oil and gasoline spill prevention plans, placing a tremendous burden on the agricultural community. The original deadline was set for November 2011, but the rule was delayed due to pressure from Congress. EPA set a new SPCC deadline of May 10, 2013.

### And That's Only The Beginning....

We can bet that lots of other undisclosed regulatory schemes exist, and that more costly EPA overreach plans will continue to be hatched so long as voters allow this to continue. As noted by H. Sterling Burnett, a senior fellow at the National Center for Policy Analysis (NCPA): "The EPA is in the process of codifying a whole slate of new air quality rules, the sheer number and economic impact of which have not been seen at any time in the EPA's history." Burnett predicts that this will put millions more people out of work by 2020, shrink local tax bases as businesses cut staff or relocate, and force many more cities and counties into bankruptcy. The American Council for Capital Formation estimates that the new EPA regulations already in place will result in 476,000 to 1,400,000 lost jobs by the end of 2014. Management Information Services, Inc. foresees that up to 2.5 million jobs will be sacrificed, annual household income could decrease by \$1,200, and gasoline and residential electricity prices may increase 50% by 2030. The Heritage Foundation projects that the greenhouse gas regulations will cost nearly \$7 trillion (2008 dollars) in economic output by 2029.

According to the annual "Regulator's Budget" compiled last year by George Washington University and Washington University in St. Louis, the employment of federal government regulators has climbed 13% since Obama took office, while private sector jobs shrank by 5.6%. In fact, if the federal government's regulatory operations were a business, their \$54 billion budget would make them one of the 50 the largest in the country... bigger than McDonald's, Ford, Disney and Boeing combined. It's high time we voters issued pink slips to those responsible for mismanaging that bloated enterprise